

November 24, 2004
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 6 of 9

REMARKS/DISCUSSION OF ISSUES

Specification. In the Non-Final Office Action, Examiner Kading objected to the specification in view of a typographical error. The Applicant has corrected the typographical error herein. No new matter was introduced by the amendment of the specification herein. Withdrawal of the objection to the specification is therefore respectfully requested.

Claims. In the Non-Final Office Action, Examiner Kading rejected objected to and rejected pending claims 1-10 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Kading objected to claim 5 for including a typographical error and claim 10 for lacking an antecedent basis for a limitation

The Applicant amended claims 5 and 10 to obviate this objection of claims 5 and 10. Withdrawal of the objection of claims 5 and 10 is therefore respectfully requested.

- B. Examiner Kading rejected claim 7 under 35 U.S.C. §112, ¶2 as being indefinite

The Applicant amended claim 7 to obviate this indefinite rejection of claim 7. Withdrawal of the rejection of claim 7 under 35 U.S.C. §112, ¶2 as being indefinite is therefore respectfully requested.

- C. Examiner Kading rejected claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,790,534 to *Kokko* in view of U.S. Patent No. 5,428,647 to *Rasky et al.*

November 24, 2004
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 7 of 9

The Applicant has thoroughly considered Examiner Kading's remarks concerning the patentability of claims 1-10 over *Kokko* in view of *Rasky*. The Applicant has also thoroughly read *Kokko* and *Rasky*. To warrant this obviousness rejection of claims 1-10, all the claim limitations recited in claims 1-10 must be taught or suggested by the combination of *Kokko* and *Rasky*. See, MPEP §2131. The Applicant respectfully traverses this obviousness rejection of claims 1-10, because *Kokko* and *Rasky* in combination fail to disclose, teach or suggest the following limitations of independent claims 1, 8, 9 and 10:

1. "in that a terminal (2 to 9), when an occupancy level of a buffer or various buffers is exceeded, is provided for sending a signaling sequence at a start time predefined by the radio network controller (1)" as recited in dependent claim 1;
2. "in that a signaling sequence transmitted at a certain time by a terminal (2 to 9) indicates that the occupancy level of the buffer or of various buffers in the respective terminal (2 to 9) has been exceeded" as recited in dependent claim 8;
3. "in that the terminal (2 to 9), when an occupancy level of a buffer or various buffers is exceeded, is provided for sending a signaling sequence at a start time predefined by the radio network controller (1)" as recited in dependent claim 9; and
4. "in that a signaling sequence is transmitted by a terminal (2 to 9) at a start time respectively predefined by the radio network controller (1) after an occupancy level of one or more buffers is exceeded" as recited in dependent claim 10.

Specifically, as illustrated in FIG. 1, *Kokko* teaches an N number of terminals 12 that are designed transmit a reservation request over an associated backward

November 24, 2004
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 8 of 9

channel CCH-b to a base station 14 whenever the number of packets in an associated buffer exceeds a threshold value or when a packet has been stored in the associated buffer for a period that exceeds a predetermined time threshold. *Kokko* further teaches that a terminal 12 will continually transmit the reservation request until such time the terminal 12 receives a permission to transmit the packet(s) in the buffer from the base station 14 over an associated forward channel CCH-f. See, *Kokko* at column 7, lines 20-42. However, a careful review of *Kokko* reveals that *Kokko* fails to teach or suggest the transmission(s) of the reservation request by a terminal 12 over the backward channel CCH-b at a start time predefined by base station 14 as required by the aforementioned limitations of independent claims 1, 8, 9 and 10 of the present invention. Furthermore, a careful review of *Rasky* reveals that *Rasky* also fails to teach or suggest the aforementioned limitations of independent claims 1, 8, 9 and 10 of the present invention. Thus, *Kokko* and *Rasky* in combination fail to disclose, teach or suggest the aforementioned limitations of independent claims 1, 8, 9 and 10.

Withdrawal of the rejection of independent claims 1, 8, 9, and 10 under §103(a) as being unpatentable over *Kokko* in view of *Rasky* is therefore respectfully requested.

Claims 2-7 depend from independent claim 1. Therefore, dependent claims 2-7 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-7 are allowable over *Kokko* in view of *Rasky* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Kokko* in view of *Rasky*. Withdrawal of the rejection of dependent claims 2-7 under 35 U.S.C. §103(a) as being unpatentable over *Kokko* in view of *Rasky* is therefore respectfully requested.

November 24, 2004
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 9 of 9

SUMMARY

Examiner Kading's objection of claims 5 and 10, and indefiniteness rejection of claim 7 have been obviated by the amendments of claims 5, 7 and 10 herein. Examiner Kading's obviousness rejection of claims 1-10 have been obviated by the remarks herein supporting an allowance of claims 1-10 over the art of record, particularly a combination of *Kokko* and *Rasky*. The Applicant respectfully submits that claims 1-10 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Kading is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: November 24, 2004

Respectfully submitted,
Christoph Hermann

PHILIPS INTELLECTUAL PROPERTY
& STANDARDS
P.O. Box 3001
Briarcliff, New York 10510

Jack D. Slobod
Registration No. 26,236
Attorney for Applicant



CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113

Darrin Wesley Harris
Registration No. 40,636
Attorney for Applicant